

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:12-CR-25
)	Judge Phillips
JEFFREY BRYANT NICHOLS)	

MEMORANDUM AND ORDER

This case is before the Court on the defendant's *pro se* motion for early termination of his sentence of probation [Doc. 57]. On June 18, 2013, the defendant was sentenced to a 5-year term of probation for one count of violating 18 U.S.C. §§ 1341 and 2, for mail fraud, and one count of money laundering in violation of 18 U.S.C. § 1957. As outlined in his motion, defendant states that he has completed over half of his 5-year term of probation, including a 6-month period of home detention. Defendant has paid restitution of \$74,745.00 in full and completed 150 hours of community service. Defendant states that he has complied with the terms of his probation without incident and that he continues to support his dependents and meet his family responsibilities.

The U.S. Probation Office reports that the defendant has completed 34 months of his term of probation. The defendant has completed 6 months of home detention, 150 hours of community service work, and paid restitution in the amount of \$74,745.00 in full. The defendant lives with his wife and two sons and has maintained employment throughout his term of probation. The defendant has not incurred any arrests or violations while on supervision and all drug screens have been negative. Therefore, the

Officer has no objection to defendant's request for early termination of probation. The government has also advised that it has no opposition to defendant's motion.

Defendant moves for early termination of probation pursuant to 18 U.S.C. § 3564(c) which provides:

The court, after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

After carefully considering the requirements of the statute, the Court finds the relevant portions of 18 U.S.C. § 3553(a) support an early termination of defendant's probation. In support of this determination, the Court notes that defendant has completed more than half of his term of probation; he has been in full compliance with the conditions of his probation; he has paid all of his restitution; he maintains steady employment and supports his children. In addition, defendant's supervising probation officer recommends early termination. It appears to the Court that defendant has rehabilitated himself and he poses no threat to any individual or the community to reoffend. Accordingly, pursuant to 18 U.S.C. § 3564(c), based on the defendant's conduct and the interests of justice, defendant's motion for early termination of probation [Doc. 57] is **GRANTED**. Defendant's term of probation is **TERMINATED**.

IT IS SO ORDERED.

s/ Thomas W. Phillips
SENIOR UNITED STATES DISTRICT JUDGE